

MANDATE

UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT
THURGOOD MARSHALL UNITED STATES COURTHOUSE
40 FOLEY SQUARE
NEW YORK, NEW YORK 10007

EDNY-CINY
EDNY (CENT. JSP)
99-cr-789
WEXLER

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ JAN 05 2005 ★

LONG ISLAND OFFICE

USA,

Appellee,

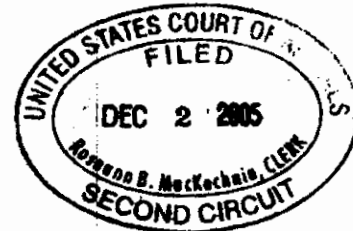
v.

Docket No. 03-1607-cr

TASH,

Appellant.

ORDER



IT IS HEREBY ORDERED that the motion by appellee, on consent of appellant David Elliot Tash, to remand this case in light of *United States v. Booker*, 125 S. Ct. 738 (2005), and this Court's decision in *United States v. Crosby*, 397 F.3d 103 (2d Cir. 2005), is GRANTED. The appeal is remanded to the District Court to consider whether to re-sentence defendant-appellant in conformity with the currently applicable statutory requirements explicated in the *Crosby* opinion.

A party will not waive or forfeit any appropriate argument on remand or any appeal post-remand by not filing a petition for rehearing of this remand order. Any appeal taken from the District Court following this remand can be initiated only by filing a new notice of appeal. See Fed. R. App. P. 3, 4(b).

FOR THE COURT:

ROSEANN B. MACKECHNIE, CLERK

By:

Tracy W. Young
Tracy W. Young, Motions Staff Attorney

12-2-05
Date

A TRUE COPY
Roseann B. MacKechnie, CLERK

by *[Signature]*

DEPUTY CLERK

ISSUED AS MANDATE: 12/27/05